

DECLARATION FOR PATENT APPLICATION

Docket No. 7639-C

As a below named inventor, I hereby declare that:
 My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled COMPUTER CONTROLLED HYDRAULIC RESISTANCE DEVICE FOR A PROSTHESIS AND OTHER APPARATUS, the specification of which (check one)

☒ (X) is attached hereto.

☐ () was filed on _____ as Application Serial No. _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a). I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of the foreign application for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Priority Claimed

() Yes () No

(Number) (Country) (Day/Month/Year Filed)

I hereby claim the benefit under Title 35, United States Code, Section 120 of the United States application below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Ser.No.)	(Filing Date)	(Status-Patented, Pending, Abandoned)
60/020,904	June 27, 1996	Abandoned
08/883,614	June 26, 1997	Pending

I hereby appoint the following attorneys with full power of appointment, substitution, association and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Alan F. Meckstroth Reg. No. 22,607, and Matthew R. Jenkins Reg. No. 34,844

Address all telephone calls to (937) 298-2811
 Address all correspondence to: JACOX, MECKSTROTH & JENKINS, 2310 Far Hills Building, Dayton, Ohio 45419-1575

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DECLARATION FOR PATENT APPLICATION

Docket No. 7639-C

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Steven H. PetrofskyInventor's signature *Steven H. Petrofsky* Citizenship USAResidence 2394 Brown Bark Drive, Dayton, Ohio 45431 Date 11/10/98Post Office Address 3035 Dryden Road, Dayton, Ohio 45439Full name of second joint inventor, if any William G. GruesbeckInventor's signature *William G. Gruesbeck* Citizenship USAResidence 1613 Sycamore Dr., Beavercreek, Ohio 45432 Date 11/10/98Post Office Address 3035 Dryden Road, Dayton, Ohio 45439

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Applicant or Patentee: Steven H. Petrofsky & William G. Gruesbeck
Serial or Patent No.: _____ Docket No. 7639-C
Filed or Issued: _____
For: COMPUTER CONTROLLED HYDRAULIC RESISTANCE DEVICE FOR A PROSTHESIS
AND OTHER APPARATUS

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9 (f) AND 1.27 (c) - SMALL BUSINESS CONCERN

I hereby declare that I am

☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on
behalf of the concern identified below:

NAME OF CONCERN Mauch, Inc.

ADDRESS OF CONCERN 3035 Dryden Road
Dayton, Ohio 45439

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled COMPUTER CONTROLLED HYDRAULIC RESISTANCE
DEVICE FOR A PROSTHESIS AND OTHER APPARATUS

by inventor(s) Steven H. Petrofsky and William G. Gruesbeck
described in

☒ the specification filed herewith

☐ application Serial No. _____, Filed _____

☐ Patent No. _____, Issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.(37 CFR 1.27)

NAME _____

ADDRESS _____

☐ Individual ☐ Small Business ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING William L. Phillips
TITLE OF PERSON OTHER THAN OWNER President
ADDRESS OF PERSON SIGNING 3035 Dryden Rd., Dayton, Ohio 45439
SIGNATURE William L. Phillips DATE 11-10-98

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Applicant or Patentee: Steven H. Petrofsky & William G. Gruesbeck
Serial or Patent No.: _____ Attorneys'
Filed or Issued: _____ Docket No.
Title: COMPUTER CONTROLLED HYDRAULIC RESISTANCE DEVICE FOR
A PROSTHESIS AND OTHER APPARATUS 7639-C

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9 (f) AND 1.27 (b) - INDEPENDENT INVENTOR

As below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office regarding the invention entitled COMPUTER CONTROLLED HYDRAULIC RESISTANCE DEVICE FOR A PROSTHESIS AND OTHER APPARATUS described in:

- (X) the specification filed herewith
() application Serial No. _____, Filed _____
() Patent No. _____, Issued _____

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- () No such person, concern, or organization
(X) Persons, concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as a small entities. (37 CFR 1.27)

NAME Mauch, Inc.
ADDRESS 3035 Dryden Road, Dayton, Ohio 45439
() Individual (X) Small Business Concern () Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

INDEPENDENT INVENTOR

Docket No. 7639-C

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Steven H. Petrofsky
NAME OF INVENTOR

St H Petrofsky
Signature of Inventor

11/10/98
Date

William G. Gruesbeck
NAME OF INVENTOR

William G Gruesbeck
Signature of Inventor

11/10/98
Date

06077-EE268760